

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE OUTPATIENT MEDICAL CENTER
EMPLOYEE ANTITRUST LITIGATION

Master Docket No. 1:21-cv-00305-SRH-YBK

THIS DOCUMENT RELATES TO:
ALL ACTIONS

**DEFENDANTS' MOTION FOR STATUS
HEARING REGARDING DEADLINE TO
AMEND PLEADINGS OR ADD NEW
PARTIES**

Defendants respectfully request a telephonic status hearing regarding the parties' unresolved dispute regarding the deadline to seek leave to amend the pleadings or add new parties.

The parties' dispute is set forth in the following filings:

1. "Joint Status Report re: Proposed Case Schedules," dated February 12, 2024, ECF Nos. 357 & 357-1;
2. "Plaintiffs' Supplement to the February 9, 2024 Joint Status Report re: Proposed Case Schedules," ECF No. 392; and
3. "Defendants' Response to Plaintiffs' Supplement to the February 9, 2024 Joint Status Report re: Proposed Case Schedules," ECF No. 400.

The dispute is ripe for adjudication, especially given the number of fact witness depositions that are scheduled for the next several months, which, as discussed in the parties' filings noted above, may be impacted by any new claims or new parties that Plaintiffs may seek leave to include in any forthcoming amended complaint.

Defendants asked Plaintiffs to join this Motion, but Plaintiffs declined and in fact oppose this Motion. Plaintiffs provided the following statement:

Plaintiffs oppose this motion. We understand Defendants' position, but think that a motion is unnecessary given that the parties have briefed this issue and the Court can schedule a hearing as needed.

The problem with Plaintiffs' position is that, because Plaintiffs initiated the briefing on this dispute through a joint status report rather than a formal motion, the dispute is not docketed as a disputed motion that would then trigger the procedures for resolution under this Court's Civil Motion Practice and Memoranda of Law Procedure. As a result, there is no formal request that the Court rule on Plaintiffs' request. In the meantime, because the dispute has not been adjudicated, Plaintiffs have already helped themselves to an extension of several weeks, despite Defendants' opposition. By filing this motion, Defendants seek a resolution before the case schedule slips further. A status hearing will allow Plaintiffs to inform the Court of their intentions, and for the parties to then discuss with the Court the impact there will be, if any, on the case schedule and fact discovery cutoff. Defendants also wish to eliminate the risk that some discovery will need to be rehashed if new parties are belatedly added to the case.

Defendants are prepared to address any questions or take any further steps the Court may require before ruling on this issue.¹

Defendants appreciate the Court's consideration of this request.

WHEREFORE, Defendants respectfully request that the Court schedule a telephonic status hearing.

¹ The parties are submitting this motion to the District Judge pursuant to the Magistrate Judge's directive that they do so. Tr. of April 25, 2024 Hr'g, at 27:10-15.

Dated: June 20, 2024

Respectfully submitted,

/s/ Kenneth M. Kliebard

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CERTIFICATE OF SERVICE

I, Kenneth M. Kliebard, an attorney, hereby certify that **Defendants' Motion For Status Hearing Regarding Deadline To Amend Pleadings Or Add New Parties** was electronically filed on June 20, 2024, and will be served electronically via the Court's ECF Notice system upon the registered parties of record.

Dated: June 20, 2024

/s/ Kenneth M. Kliebard
Kenneth M. Kliebard